IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2643 OF 2004

M.M.Shah Consultants Ltd.
and Anr. ...Petitioners

Vs.

Shri.Madan Shantilal Jain
and Anr. ..Respondents

...

Mr.R.G.Ketkar Advocate for Petitioners
Mr.A.P.Vanarse for Respondent no.1
Mr.R.S.Khadapkar A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 30,2005

P.C.

1. Heard the learned advocate for the petitioners, learned advocate for respondent no.1-complainant and the learned A.P.P. for the State.

2. The petitioners are facing prosecution in a case under Section 138 of Negotiable Instruments Act. The said case is numbered as CC No.172 of 2003 and it is pending before the learned Judicial Magistrate F.C. Court Room No.2 Pune.

3. In the said case, the petitioner i.e. original accused no.2 had preferred an application for directing the complainant to produce certain documents relating to Income Tax returns, Pass-book or Bank Statement etc.

4. By order dated 17.2.2004, the learned Judicial Magistrate F.C. rejected the said application for giving directions to the complainant to produce documents called for by the petitioners-accused. Being aggrieved thereby, revision was preferred by the petitioners. The said revision also came to be dismissed. Being aggrieved thereby, this writ petition is preferred by the petitioners.

5. The learned advocate for the respondent i.e. original complainant has stated that the complainant has no objection to producing the originals of these documents on any date indicated by the Court. He will produce the originals of these documents on the said date and thereafter hand over attested copies of the said documents which will remain on record. Thereafter, he will

take back originals as they are required for daily activities. However, if required by the Court, the originals will be produced on the date indicated by the trial Court. In view of this, the prayer made by the petitioners is allowed subject to the above directions.

6. Writ Petition is disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]